

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

)	Case No.: 11-CV-03999-LHK
)	
JOSEPHINE SMITH, an individual, et al.,)	
)	ORDER DENYING PLAINTIFFS'
Plaintiffs,)	MOTION TO ENFORCE SETTLEMENT
)	AND MOTION TO SHORTEN TIME
v.)	
)	
CITY OF SANTA CLARA, a public entity, et al.))	
)	
Defendants.)	
)	

Plaintiffs filed a motion to enforce the settlement on October 23, 2013. ECF No. 182. That same day, Plaintiffs also filed a motion to hear the motion to enforce settlement on shortened time. ECF No. 184. On October 24, 2013, Defendants filed an opposition to Plaintiffs' motion to hear the motion to enforce settlement on shortened time. ECF No. 186. For the reasons set forth below, the Court hereby DENIES both Plaintiffs' motion to enforce the settlement and Plaintiffs' motion to hear the motion to enforce settlement on shortened time.

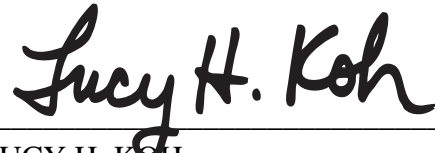
Magistrate Judge Joseph Spero held a settlement conference in this case on July 16, 2013. ECF No. 177. At that conference, it was clear to all parties involved that the settlement agreement reached between the parties and entered onto the record was subject to the approval of the settlement agreement by the Santa Clara City Council. *See* ECF No. 177 at 4:14-23 (Magistrate Judge Spero stating, "I'm going to recite what I understand to be the terms if the settlement. . . .

1 you will have a binding settlement, subject to two conditions that have to be met to make it finally
2 binding. Number one, it still needs to be approved by the City Council, the City of Santa Clara”);
3 6:20-21 (Magistrate Judge Spero stating, “This settlement is subject to the approval of the City
4 Council of the City of Santa Clara”); 7-8 (Plaintiffs’ counsel agreeing that the settlement was
5 contingent on the approval of the City Council). It is undisputed here that the City Council rejected
6 the parties’ settlement on August 20, 2013. ECF No. 186 at 1; ECF No. 182 at 4. Because the
7 settlement was contingent upon such approval, and the City Council refused to approve the
8 settlement, this Court declines to enforce the settlement at Plaintiffs’ request. Thus, this Court
9 denies Plaintiffs’ motion to enforce the settlement and denies Plaintiffs’ motion to shorten time as
10 moot.

11 The Court has continued the trial twice at the request of Plaintiffs’ counsel. The trial will
12 begin on December 9, 2013, and the parties shall submit their pre-trial filings by November 21,
13 2013, as ordered in this Court’s case management order of August 28, 2013. ECF No. 179.

14
15 **IT IS SO ORDERED.**

16 Dated: October 28, 2013

17 

18 LUCY H. KOH
19 United States District Judge